

1 through their respective counsel STIPULATE as follows:

- 2 1. This Stipulation and Order affects the real property commonly known as: 1938
- 3 Massachusetts Avenue, Lemon Grove, CA 91945.
- 4 2. Commencing 1/1/2017, Debtors shall make regular monthly post-petition payments under the
- 5 Note and Deed of Trust to Movant, and continuing on the first day of each month thereafter
- 6 pursuant to the terms of the Note and Deed of Trust.
- 7 3. Payments shall be made directly to Movant, Seterus, Inc., at PO Box 1047, Hartford, CT
- 8 06143, with reference to the last four digits of the Loan Number 2245, or as otherwise
- 9 directed.
- 10 4. Debtors shall make a payment in the amount of \$3,472.21 to Seterus, Inc. by January 25,
- 11 2017, itemized below:

12	Monthly Payments at (10/1/2016-12/1/2016)	\$1,637.97	\$4,913.91
13	Suspense		\$1,441.70
14	Total Delinquency:		\$3,472.21

- 16 5. The Debtors shall timely perform all of their obligations under Movant's loan documents as
- 17 they come due, including but not limited to the payment of real estate taxes, maintaining
- 18 insurance coverage, and Chapter 13 Plan payments.
- 19 6. In the event Debtor(s) fails to timely perform any of the obligations set forth in this Order,
- 20 Movant shall notify Debtors and Debtor's counsel of the default in writing. Movant shall
- 21 give Debtor's attorney of record written notice of the default by facsimile transmission at
- 22 858-433-2922. Movant shall give Debtors written notice of the default by mail or personal
- 23 service. Debtors shall have ten (10) calendar days from the date of the written notification to
- 24 cure the default and to pay an additional \$50.00 for attorneys' fees for each occurrence. An
- 25 additional \$150.00 will also be due if court certification of the default required.
- 26 7. If Debtor(s) fails to cure the default within ten (10) days of the date of service of the notice,
- 27 Movant can seek ex parte relief after giving 72 hour telephonic notice to attorney of record
- 28 for Debtors, followed by written notice to all interested parties, submission of a declaration
- 29 of the breach, and the lodging of an order terminating the automatic stay. If Debtor(s)

1 request a hearing prior to the expiration of the 72 hour notice, the only issue will be whether
2 this default was cured in the 10 day notice period. Attorney for Debtors will accept facsimile
3 transmission at 858-433-2922 of this ex parte notice and declaration in addition to mail or
4 personal service of the same.

5 8. If Debtor(s) defaults on the obligations set forth herein on more than three (3) occasions,
6 Movant may lodge a Declaration and Order Terminating the Automatic Stay. The Order
7 shall be entered without further hearing. The automatic stay shall be immediately terminated
8 and extinguished for all purposes as to Movant and Movant may proceed with and hold a
9 trustee's sale of the subject property, pursuant to applicable state law, and without further
10 Court Order of proceeding being necessary, commence any action necessary to obtain
11 complete possession of the subject Property, including unlawful detainer, if required.

12 [Initials] [Please initial here]
13 9. If this case is converted to a Chapter 7 proceeding the automatic stay shall be terminated as
14 to the Debtors only; or the automatic stay is terminated as a matter of law, the repayment
15 terms of this Order shall immediately cease in effect and become null and void as to Debtors
16 only. [Initials] [Please initial here]

17 10. This stipulation is not intended to impose any additional duties on the Chapter 13 Trustee.
18 The Trustee is not under any duty to respond to any notices pursuant to this stipulation and it
19 shall be the Debtor's burden to establish timely compliance with any payment terms in the
20 stipulation. Trustee's records do not necessarily indicate the date of the receipt of payment
21 and therefore such records are not to be relied upon for that purpose. If hearing is requested
22 pursuant to this stipulation, such hearing shall be calendared for and occur on the Chapter 13
23 Trustee's regular law and motion calendar.

24 11. Movant's Proof of Claim in the amount of \$0.00 is due and owing and is allowed in full.
25 12. The fourteen day stay described in Bankruptcy Rule 4001(a)(3) is waived upon relief.

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1 13. If this matter is resolved prior to the hearing date the matter shall be removed from the
2 Court's Calendar.
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5 Signature by the attorney constitutes a certification
6 under Fed. R. Bankr. P. 9011 that the relief provided
by the order is the relief granted by the Court.

7 Submitted by:
8 McCarthy & Holthus, LLP

9 By: /s/ Nancy Lee
10 Nancy Lee, Esq.
Attorney for Movant

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12 Approved by:
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14 Brian J. McGoldrick, Esq.
15 Attorney for Debtor(s)

16 Approved by:
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18 David L. Skelton
19 Chapter 13 Trustee
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CERTIFICATE OF SERVICE

On 1/13/2017, I served the foregoing **ADEQUATE PROTECTION STIPULATION AND ORDER** on the following individuals by electronic means through the Court's ECF program

TRUSTEE

David L. Skelton
brie@ch13.sdcxmail.com

DEBTOR(S) COUNSEL

Brian J. McGoldrick
attorney@brianmcgoldrick.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Amy Shaw
Amy Shaw

On 1/13/2017, I served the foregoing **ADEQUATE PROTECTION STIPULATION AND ORDER** on the following individuals by depositing true copies thereof in the United States mail at San Diego, California, enclosed in a sealed envelope, with postage paid, addressed as follows:

DEBTOR

Isabel L. Zernicke, 1938 Massachusetts Avenue, Lemon Grove, CA 91945

William R. Zernicke, 1938 Massachusetts Ave, Lemon Grove, CA 91945

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 1/13/2017

/s/ Christian Aguilar
Christian Aguilar